

FRIDAY, December 10, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Zealey officiated as chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

On motion of Mr. Long,

Mr. Killgore, the Assistant Secretary, was excused until Monday next.

Mr. Snell, according to previous notice, introduced a bill to be entitled An Act for the relief of John B. Allen ;

Which was received, and placed among the orders of the day.

Mr. Baldwin offered the following resolution, viz :

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller be, and he is hereby, authorized and directed to contract with some fit and proper person for covering the Capitol with a good shingle roof, in lieu of the present dilapidated slate roof, and that he report to the General Assembly the amount which will be necessary to be appropriated therefor ;

Which was read a first time, and on motion, the rule was waived, and said resolution read a second time.

Mr. Long offered the following amendment, viz :

Strike out the words " shingle roof," and insert " slate roof."

Upon the adoption of which, the yeas and nays were called for by Messrs. Baldwin and Brown, and were—

YEAS—Messrs. Blackburn, Finley, Gillis, Long and Smith—5.

NAYS—Mr. President, Messrs. Baldwin, Brown, Buddington, Forsyth, Gonzalez, Hawes, Johnson, Moseley, Provence and Snell—11.
So the amendment was lost.

Mr. Snell offered the following amendment :

In the fifth line, after the word " good," the words " Juniper or Cypress" be inserted ;

Which amendment was adopted.

Mr. Long offered the following amendment, viz :

That in the 7th line, after the word roof, insert " and that said roof, when so made, shall be well painted with good fire proof paint ;"

Which amendment was adopted.

On motion, the rule was waived, and the resolution read a third time.

Upon the question of its passage, the yeas and nays were called for by Messrs. Baldwin and Johnson, and were—

YEAS—Mr. President, Messrs. Baldwin, Buddington, Finley, Forsyth, Gonzalez, Hawes, Johnson, Long, Provence, Smith, Snell and Stewart—13.

NAYS—Messrs. Blackburn, Brown, Gillis and Moseley—4.

So the Resolution passed.

Ordered, That it be certified to the House of Representatives.

Mr. Long from the Committee on the Judiciary, made the following report :

The Judiciary Committee, who have been instructed by the Senate "to inquire into the propriety of consolidating the Internal Improvement and Seminary funds of this State, with the Common School fund, and of applying the whole to the support of Common Schools," having had the same under consideration, have instructed the undersigned to report as follows :

A majority of the Committee are of opinion that the Common School system of education, is preferable to almost all other advantages which would be enjoyed by a community ; and that, as the funds when consolidated, will scarcely be sufficient to support a proper system of Schools, they think it expedient and proper, to divert the Internal Improvement and Seminary Funds, if the same can be done, from those objects, and to apply them to the support of Common Schools.

But the Committee also instruct the undersigned to report, that this object cannot be accomplished in their opinion, without first obtaining the assent of Congress to the proposed diversion of these several funds, to other objects than those expressed in the act of Congress granting the lands, and without first amending the Constitution of this State. The first clause of the eleventh article of the Constitution, provides that, " A liberal system of Internal Improvements being essential to the development of the resources of the country, shall be encouraged by the Government of this State, and it shall be the duty of the General Assembly, as soon as practicable, to ascertain by law, proper objects of improvement, in relation to roads, canals and navigable streams, and to provide for a suitable application of such funds as may be appropriated for such improvements."

The Committee are sensible that this clause of the Constitution must be abolished before the Internal Improvement Fund of this State can be applied to Common Schools. And while a majority are prepared to express their abstract opinion in favor of such an amendment, they are not so impressed with its urgency or importance as to instruct the undersigned to report a bill for the purpose, nor do they deem it necessary at present, to report resolutions asking Congress to assent to the proposed change in the purposes of the Seminary and Internal Improvement Fund.

The Committee having thus reported the opinion of a majority of its members, upon the propriety of adopting the policy contemplated by the enquiry, beg leave to be discharged from the further consideration of the subject. Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the committee discharged from further action on said motion.

Mr. Long from the Committee on the Judiciary made the following report :

The Committee on the Judiciary, to whom was referred "a bill to be entitled An Act giving to the Judge of Probate of Nassau county, the powers of a Justice of the Peace in certain cases," have instructed the undersigned to make the following report :

By the Constitution of the State the Judicial powers of the Government are vested in a Supreme Court, Courts of Chancery, Circuit Courts and Justices of the Peace, Article 5, Sec. 1. The tenth section of the fifth article of the Constitution declares, that "a competent number of Justices of the Peace, shall be, from time to time, appointed or elected for each county, in such mode and for such term of office as the General Assembly may direct, and shall possess such jurisdiction as may be provided by law."

The committee have no doubt of the power of the Legislature to appoint Justices of the Peace under this provision of the Constitution ; but when the provisions of the bill under consideration are examined, it will appear that the jurisdiction conferred is not that of a Justice of the Peace, but is only to extend to the collection of debts of *not less than fifty dollars, nor more than one hundred dollars.*

From this it appears that the appointing an officer with this special jurisdiction, would not be appointing a Justice of the Peace. The jurisdiction conferred is now vested in the Circuit Courts exclusively, and according to the provision of the Constitution just quoted, no judicial power can be vested in any other officer, except Judges, Chancellors and Justices of the Peace. Therefore, as the Judge of Probate of Nassau County is neither a Supreme, a Circuit or Chancery Judge, nor a Justice of the Peace, no part of the judicial power of the State may be vested in him.

Your committee believe the jurisdiction sought to be conferred by this bill, cannot be constitutionally conferred by the General Assembly upon the Judge of Probate of Nassau county, and, therefore, deem it sufficient to recommend the rejection of said bill, without stopping to suggest the various mischiefs which might be engendered by the action of such an officer, producing litigation and uncertainty as to the validity of judgments rendered by him.

All which is respectfully submitted.

M. A. LONG,

Chairman of Judiciary Committee

Which was received and read, and the bills placed among the orders of the day.

Also the following :

The Judiciary Committee, to whom was referred a bill to be entitled An Act supplemental to an act giving the election of Judges of Probate to the people, have instructed the undersigned to report :

That they perceive no valid objection to said bill, and recommend its passage.

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the bill placed among the orders of the day

Mr. Buddington from the Committee on Propositions and Grievances, made the following report :

The Committee on Propositions and Grievances, to whom the House bill to be entitled An Act to regulate and fix the rates of dockage and wharfage at the town of Palatka was referred, ask leave to report :

That they have had the same under consideration, and find that the rates therein named are mostly so far above common rates, that, in our opinion, it has become necessary to change nearly the whole bill so much, that they report against said bill, and offer as a substitute a bill to be entitled An Act to regulate and fix the rates of wharfage, storage and weighing of goods at the town of Palatka. They beg to be discharged from further consideration of the same.

O. BUDDINGTON,

Chairman.

Which was received and read, and the substitute and original bill both placed among the orders of the day.

Mr. Finley from the Committee on Engrossed Bills made the following report :

The Committee on Engrossed Bills report as correctly engrossed,

An Act to repeal an act entitled an act granting to the Alabama and Florida Railroad Company land granted, or hereafter to be granted, to the State by the General Government, for the purpose of aiding in the construction of a railroad from Pensacola to Montgomery.

Resolution designating the day for the adjournment of the General Assembly.

Respectfully submitted,

J. J. FINLEY,

Chairman.

Which was read, and the bills placed among the orders of the day.

Mr. Johnson, from the Joint Committee of the General Assembly, made the following Report :

The Joint Committee of the General Assembly, charged with the duty of examining the office of Register of Public Lands, have performed their duty, and ask leave to Report :

That they have compared the vouchers on file in the Register's Office with the items of expenditure, and find them substantially correct. Books are provided for each Fund ; intelligibly arranged under appropriate heads, and correctly kept.

For further information respecting the transactions of said office, your Committee refer the General Assembly to the report of the Register, of the 31st October, of the present year. The Committee ask to be discharged.

Respectfully submitted,

ALLEN G. JOHNSON,

Chairman Senate Committee.

EDWARD HOPKINS,

Chairman House Committee.

Which was read, and the Committee discharged.

The following Message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 9th, 1852. }

Honorable President of the Senate :

SIR—The House have passed the following bills, to wit :

A bill to be entitled An Act for the relief of William M. Garrison.

A bill to be entitled An Act for preventing obstruction to the navigation of the St. John's River.

Very Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read, and the bills placed among the orders of the day for to-day.

ORDERS OF THE DAY.

A bill to be entitled An Act authorizing the institutions of suits in certain cases against corporations by publication ;

Was read a second time, and on motion of Mr. Finley, was referred to the Committee on the Judiciary.

Engrossed bill to be entitled An Act to provide for the election of a County Site in the County of Walton ;

Came up on a third reading, and, upon motion, the Senate went into committee of the whole upon said bill, for the purpose of making some special amendments, Mr. Baldwin in the Chair, and after some time spent therein, the Committee rose, and through their Chairman, reported the bill back to the Senate, with the following amendments, viz :

To strike out the word "of" in the 7th line of the 4th section ; also to strike out the word "the" in the 3d line of the 6th section and insert in lieu thereof the word "they ;"

Which amendments were adopted, and the bill read as amended a third time :

Upon the question of its passage, the vote was :

YEAS—Mr. President, Messrs. Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Provence, Smith, Snell and Stewart—16.

NAYS—0.

So the bill passed, title as stated,

Ordered, That the same be certified to the House of Representatives.

A bill to be entitled An Act to repeal an act entitled an act granting to the Alabama and Florida Rail Road Company Land granted or hereafter to be granted to the State by the General Government, for the purpose of aiding in the construction of a Rail Road from Pensacola to Montgomery ;

Was read a third time,

And upon the question of its passage, the vote was as follows, viz :

YEAS—Mr. President, Messrs. Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Provence, Smith, Snell and Stewart—16.

NAYS—0.

So the bill passed, title as stated.

Ordered, That the same be certified to the House of Representatives.

Resolution designating the day for the adjournment of the General Assembly,

Was read a third time, and upon its passage the yeas and nays were called for by Messrs. Moseley and Brown, and were as follows :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Gillis, Gonzalez, Johnson, Moseley and Stewart—10.

NAYS—Messrs. Finley, Forsyth, Hawes, Long, Provence, Smith and Snell—7.

So the resolution passed.

Ordered, That it be certified to the House of Representatives.

A bill to be entitled An Act for the relief of John B. Allen,

Was read a first time, and ordered for a second reading on to-morrow.

House bill to be entitled An Act for the relief of the Clerk of the Circuit Court of the county of Holmes,

Was read a third time, and upon the question of its passage the vote was :

YEAS—Mr. President, Messrs. Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Provence, Smith, Snell and Stewart—16.

NAYS—0.

So the bill passed.

Upon the adoption of the title, Mr. Gillis offered the following as the title for said bill, viz :

A bill to be entitled An Act for the relief of the Clerks of the Circuit Courts for the counties of Holmes and Calhoun ;

Which amendment to title was adopted.

Ordered, That the same be certified to the House of Representatives.

House bill to be entitled An Act for the relief of William M. Garrison,

Was read a first time, and ordered for a second reading on to-morrow.

House bill to be entitled An Act for preventing obstructions to the navigation of the St. Johns river,

Was read a first time, and ordered for a second reading on to-morrow.

On motion of Mr. Baldwin,

The Senate adjourned until to-morrow morning, 10 o'clock.